

PATENT  
USA.301-1

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Graham Barry Schaffer  
Serial No.: 10/801,761  
Filed: March 15, 2004

Group No.: 1725  
Examiner: Ing-Hour Lin

**Commissioner for Patents**  
**PO Box 1450**  
**Alexandria, VA 22313-1450**

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING  
REJECTION OVER A PRIOR PATENT (37 CFR 1.321(b) & (c)) AND A PROVISIONAL  
TERMINAL DISCLAIMER OVER A PENDING SECOND APPLICATION**

The owner, The University of Queensland, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,823,928 and pending application 10/999,779. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any

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patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record.

3. Owner/applicant is ☒ Small entity ☐ Large entity

The terminal disclaimer fee under 37 CFR 1.20(d) is \$65.00 and is to be paid as follows:

☐ A check in the amount of the fee is enclosed.

☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number 20-0900.

☐ Payment by credit card. Form PTO-2038 is attached.

PTO suggested working for terminal disclaimer was

☐ unchanged. ☒ changed. (if changed, an explanation should be supplied.)

**The wording was changed in order to accommodate the fact that the Office Action of 6/16/2005 had a Double Patenting rejection and a Provisional Double Patenting rejection.**

July 14, 2005

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